

Settlement/Hearing: April 28th, 2010
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE:

MARIA LAPIRA,

Debtor(s)

-----X

Chapter 13
Case No. 10-22128 RDD

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 28th day of April, 2010 at 10:00 A.M. at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

Hearings on Objections, if any, to be conducted same place, date and time.

Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
March 23rd, 2010

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Maria Lapira
19 Ludvigh Road
Nanuet, New York 10954

Joshua N. Bleichman, Esq.
Bleichman & Klein
268 Route 59
Spring Valley, New York 10977

Everhome Mortgage Company
8100 Nations Way
Jacksonville, Florida 32256

Everhome Mortgage Company
c/o Stein Wiener & Roth, LLP
One Old Country Road # 113
Carle Place, New York 11514

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

Chapter 13
Case No. 10-22128 RDD

MARIA LAPIRA,

Debtor(s)

-----X

ORDER DISMISSING CHAPTER 13 CASE

The chapter 13 trustee having moved for an order dismissing this chapter 13 case and upon the motion and the record of the April 28, 2010 hearing thereon, the Court having found that the above-captioned debtor, having failed to comply with the provisions of 11 U.S.C. §1307(c)(1), (c)(3) and (c)(4), 11 U.S.C. §521(i) and (e)(2)(A)(i), having created unreasonable delay that is prejudicial to creditors, in that the debtor failed to timely file a plan, failed to be examined at the scheduled 341(a) meeting of creditors; failed to remit timely proposed plan payments to the trustee, failed to provide the required documentation, in particular, schedules, statement of financial affairs, payment advices and evidence of other payments received within 60 days, and the “means” test; and seven (7) days prior to the 341(a) meeting of creditors Federal and New York State tax returns for the year immediately prior to filing, and good cause appearing,

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York
April , 2010

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

Chapter 13
Case No. 10-22128 RDD

MARIA LAPIRA,

TRUSTEE'S AFFIDAVIT

Debtor(s)

-----X
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on January 26th, 2010.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1);
(c)(3) and (c)(4).
4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which
requires the debtor to file schedules, statement of financial affairs, payment advices and evidence of
other payments received within 60 days.
5. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code
which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditor*
copies of Federal and New York State tax returns for the most recent year immediately prior to
the commencement of the case.
6. The debtor failed to timely file a plan in violation of Bankruptcy Rule
3015(b), and schedules in violation of Bankruptcy Rule 1007(c).
7. The debtor failed to remit timely proposed plan payments to the trustee,
having remitted -0- payments, and being, at this juncture, one month in arrears.
8. The debtor appeared but failed to be examined at the initial 341(a) meeting
of creditors.

9. The delay created by the debtor is prejudicial to creditors.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing this case pursuant to 11 U.S.C. §1307(c)(1), (c)(3) and (c)(4) and 11 U.S.C. §521(i), and §521(e)(2)(A)(i), be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
23rd day of March, 2010
/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

Chapter 13
Case No. 10-22128 RDD

MARIA LAPIRA,

Debtor(s)

-----x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On March 23rd, 2010, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO:: United States Trustee
33 Whitehall Street
New York, New York 10004

Maria Lapira
19 Ludvigh Road
Nanuet, New York 10954

Joshua N. Bleichman, Esq.
Bleichman & Klein
268 Route 59
Spring Valley, New York 10977

Everhome Mortgage Company
8100 Nations Way
Jacksonville, Florida 32256

Everhome Mortgage Company

c/o Stein Wiener & Roth, LLP
One Old Country Road # 113
Carle Place, New York 11514

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
23rd day of March, 2010

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 60-8764500
Qualified in Rockland County
Cert. Filed in Westchester County
Term Expires: 12/31/10